



Mayor John Howe
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, California
94088

August 16, 2004

Dear Mayor Howe,

Following up on a suggestion from Manny Valerio of Fry's Electronics, I am contacting you regarding the San Jose SaberCats practice facility located at 1095 Dunford Avenue in Sunnyvale. After extensive conversations with the property landlord, the Santa Clara Unified School District, it has been agreed upon by both the tenant and the landlord that creating, planting and maintaining a landscape plan for this property is not in the best interest of anyone at this point in time.

To recap, the SaberCats have a lease with the Santa Clara Unified School District on that property, with one year remaining on it. In conversations with the school district, they are not interested in negotiating an extension of the current lease as long as the tent is included in our plans. Due to the fact that we can't practice without the tent, the two parties have agreed that after the 2005 season in all likelihood, the SaberCats will have a new location to call home. All of this is unfortunate, but the neighbors around the practice facility have spoken and there does not appear to be any way to change the way they think about the SaberCats and our tent.

I am enclosing a copy of a letter from Roger Barnes with the school district that states the school district stance on the creating, planting and maintaining of a landscape plan. The SaberCats would like to ask that you assist us with having the landscape provision taken out of the use permit that was issued in January of 2004 that allowed us to erect the tent each season. We had been willing to proceed all along with the provisions of the use permit, but due to the school districts stance, we feel that it is not necessary to go through the whole permit process again as it has been suggested. I also would like to have the fee for the permit waived at this time for the same reason.

Feel free to contact me at your convenience. I will gladly answer any questions you may have in regards to this request. I look forward to hearing from you soon!

Sincerely,

Hank Stern
Vice President
San Jose SaberCats